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Department of State

INCOMING TELEGRAM

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PAGE 01 SAN SA 06658 040024Z 5354
ACTION ARA-16

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OF TEXT. CORRECTED COPY TO FOLLOW.

INFO OCT-01 ADS-00 INR-10 SS-15 CIAE-00 DODE-00 H-01
NSCE-00 NSAE-00 SSO-00 SY-05 HA-06 L-03 LAB-04
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 5435

C O N F I D E N T I A L SAN SALVADOR 6658

E. O. 12065: GDS 9/3/87 (TOMCHIK, STEPHEN J.) OR-P
TAGS: PINS, PINT, POIP, COES, ES
SUBJ: JUDGE TINETTI ON THE SOL MEZA CASE

REF: SAN SALVADOR 6438

1. (C-ENTIRE TEXT.)

2. "EL DIARIO DE HOY" (#) (#)
SEPTEMBER 3 PUBLISHED THE TEXT
OF THE BRIEF WRITTEN BY INVESTIGATIVE JUDGE JOSE ALBINO
TINSTTI WHICH FAVORS RICARDO SOL MEZA'S RELEASE FROM DETENTION FOR
INSUFFICIENCY OF EVIDENCE. FULL ENGLISH TRANSLATION OF
BRIEF IS BEING SENT FBIS CHANNEL. ABSTRACT OF PRINCIPAL
POINTS FOLLOWS BELOW:

3. REGARDING THE DECLARATIONS MADE IN THE CASE BY WITNESS
TERESA TORRES LOPEZ, TINETTI AVERS THAT THE STATEMENTS
LACK ABSOLUTE PROBATORY VALUE. ACCORDING TO THE PROCEDURAL,
PENAL CODE DECLARATIONS OF THIS KIND MUST BE MADE BEFORE
A COMPETENT JUDGE AND APPENDED TO TS CORRESPONDING PRO-
CEEDINGS. (COMMENT: WE HAVE NOT CONSULTED A LAWYER ON
THIS, BUT THIS REASON APPEARS TO DISQUALIFY AS EVIDENCE
A STATEMENT BY TORRES LOPEZ BEFORE PAT LASBURY AND BEFORE
A NOTARY PUBLIC IN WASHINGTON.)

4. TINETTI THEN EXAMINES WHETHER TORRES LOPEZ'S TESTIMONY
PROVIDES SUFFICIENT INFERENCE THAT SOL MEZA PARTICIPATED
IN THE CRIME OF WHICH HE STANDS ACCUSED. IN ARRIVING AT
HIS JUDGEMENT FAVORABLE TO SOL MEZA, TINETTI STATES THAT
TORRES LOPEZ WAS NOT AN EYEWITNESS TO THE CRIME, THAT SHE
MAKES NO REFERENCE IN HER STATEMENTS TO ANY CIRCUMSTANCES
PRIOR TO THE COMMISSION OF THE MURDER THAT WOULD LINK SOL
MEZA TO THE CRIME, AND THAT HER INABILITY TO DETERMINE BY
SOUND THE CALIBER OF THE BULLETS FIRED DOES NOT LEAD
TINETTI TO BELIEVE THAT SOL MEZA WAS A PARTY TO THE CRIME.
(COMMENT: THIS APPEARS A REFERENCE TO THE WITNESS' GEN-
EAL CREDIBILITY AS ONE ABLE TO MAKE JUDGEMENTS ABOUT THIS
KIND OF MATTER.) REGARDING THE SITUATION IMMEDIATELY
FOLLOWING THE MURDER, TINETTI CONCLUDES THAT TORRES LOPEZ'S
TESTIMONY, IN WHICH SHE CLAIMS TO HAE SEEN SOL MEZA AND
HANS CHRIST AT THE SCENE OF THE CRIME WITHOUT WEAPONS, OR
SATCHELS IN WHICH TO CARRY WEAPONS, AGAIN FAILS TO LINK
SOL MEZA TO THE CRIME. HE FURTHER ARGUES THAT SOL MEZA'S
HAVING TOLD TORRES LOPEZ THAT A STATEMENT BY HER WOULD
DAMAGE THE REPUTATION OF THE HOTEL ALSO FAILS TO LINK HIM
TO THE CRIME. IF SUCH WERE THE CASE, TINETTI ARGUES, SOL
MEZA MAY HAVE OBSTRUCTED JUSTICE AND, IF SO, TORRES'S
TESTIMONY IS INVALID AS SHE WAS AN ACCOMPLICE IN THAT
OBSTRUCTION. FINALLY, TINETTI EMPHASIZES THAT TORRES'
TESTIMONY RESTED ALSO ON INFORMATION ALLEGEDLY GIVEN TO HER BY
OTHER HOTEL WORKERS, AND THAT THE SAME WORKERS DID NOT
CORROBORATE THIS INFORMATION IN THEIR
STATEMENTS.
HINTON

NOTE BY OC/T: SAN SALVADOR 6438, OMISSIONS (#) AT BEGINNING

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